

Appl. No. 10/811,918
Amendment dated March 10, 2006
Reply to Office Action of December 21, 2005

REMARKS

In the December 21, 2005 Office Action, claims 1-9 stand rejected in view of prior art. Further, claims 1-7 and 9 were rejected for failing to indicate and claim particularly and distinctly the subject matter that Applicants regard as the invention. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the December 21, 2005 Office Action, Applicants have amended the specification and claims 1 and 8 as indicated above. Further, the Abstract and written disclosure have been amended to correct typographical errors discovered upon review. Thus, claims 1-9 are pending, with claims 1 and 8 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Specification

Applicants have amended the paragraph beginning on page 9, line 4 to read that the inner peripheral cylindrical portion 43 is in axial alignment with the axial position of the engine side surface 23b. Since this is clearly shown in the Figure and reflects an interpretation of the term "matching," Applicants respectfully assert that no new matter has been added.

Applicants respectfully assert that the aforementioned reference characters are used for illustrative purposes only and not for the intention of limiting the inventions of the claims of the present application.

Claim Rejections - 35 U.S.C. §112

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On page 2 of the Office Action, claims 1-7 and 9 were rejected under 35 U.S.C. §112, second paragraph. In response, Applicants have amended the claims to delete the term, rendering the rejections moot.

Applicants believe that the claims comply with 35 U.S.C. §112, second paragraph. Withdrawal of the rejections is respectfully requested.

Rejections - 35 U.S.C. § 102

On pages 3 and 4 of the Office Action, claims 1-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0175037 (Wack et al.). In response, Applicants have amended claims 1 and 8 to obviate the rejections.

Claim 1

Claim 1 now recites that the flat surface and the cylindrical portion extend from an innermost peripheral edge of the piston. In contrast to amended claim 1 of the present application and as seen in the Figure of Wack et al., Wack et al. disclose a piston 40 whose flat surface abuts the turbine hub disk 23 at an axial stop 44, and does not extend from an innermost peripheral edge but an annular portion.

Claim 8

Claim 8 now recites that the axial end of the cylindrical portion of the piston is axially aligned with the axial engine side surface of the turbine hub. Referring again to the Figure of Wack et al., Wack et al. disclose a cylindrical portion that contacts the turbine hub at an outer circumference 31. Further, Wack et al. disclose that the axial engine side surface of the turbine hub extends farther toward the engine than the axial end of the cylindrical portion creating a step like portion, which can be clearly seen on the lower left side of the piston 40 in the Figure.

Clearly, the structures of amended claim 1 and claim 8 are *not* disclosed or suggested by Wack et al. or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Therefore, Applicants respectfully submit that claims 1 and 8 are not anticipated by the prior art of record. Withdrawal of the rejections is respectfully requested.

Moreover, Applicants believe that dependent claims 1-7 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 1, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of the rejections.

Rejections - 35 U.S.C. § 103

On pages 4 and 5 of the Office Action, claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0175037 (Wack et al.) in view of U.S. Patent No. 6,267,213 (Yamaguchi et al.). In response, Applicants have amended claim 8 as mentioned.

As mentioned, claim 8 recites that the axial end of the cylindrical portion of the piston is axially aligned with the axial engine side surface of the turbine hub. Referring to the Figure of Wack et al., Wack et al. disclose a cylindrical portion that contacts the turbine hub at an outer circumference 31. Further, Wack et al. disclose that the axial engine side surface of the turbine hub extends farther toward the engine than the axial end of the cylindrical portion creating a step like portion, which can be clearly seen on the lower left side of the piston 40 in the Figure. Moreover, claim 8 recites that the cylindrical portion extends toward

the front cover. In contrast, as seen in Figure 1 of Yamaguchi et al., Yamaguchi et al. disclose a cylindrical portion that extends *away* from the front cover. Thus, the axial end of the cylindrical portion cannot match the axial engine side surface of the turbine hub. Since neither reference discloses this feature, Applicants respectfully assert that the combination of references also does not disclose this feature.

Clearly this arrangement is *not* disclosed or suggested by the Wack et al. publication, Yamaguchi et al. patent, or any other prior art of record alone or in combination. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement of a torque transmitting device.

Moreover, Applicants believe that the dependent claim 9 is also allowable over the prior art of record in that it depends from independent claim 8, and therefore is allowable for the reasons stated above. Also, the dependent claim is further allowable because it includes additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 8, the prior art of record also fails to disclose or suggest the invention as set forth in the dependent claim.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments.

Prior Art Citation

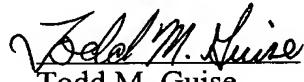
In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-9 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,



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